

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 452

Introduced by Urban Affairs Committee: Friend, 10, Chairperson;
Combs, 32; Connealy, 16; Janssen, 15; Schimek, 27

Read first time January 13, 2005

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections
2 19-4801 and 29-424, Revised Statutes Supplement, 2004; to
3 change provisions relating to the issuance of citations
4 for code violations; to harmonize provisions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-4801, Revised Statutes Supplement,
2 2004, is amended to read:

3 ~~19-4801.~~ (1) The chief or head official of the fire
4 department, fire inspectors as may be designated by such chief or
5 head official, or inspectors charged with the enforcement of fire,
6 health, or safety codes and constructional technical codes of a
7 city of the first class, city of the primary class, or city of the
8 metropolitan class shall have the authority, after being trained by
9 a certified law enforcement officer in the policies and procedures
10 for issuance of citations, to issue citations for violations of
11 fire, health, and safety codes and constructional technical codes
12 ~~(1)~~ (a) that constitute infractions or violations of city
13 ordinances, ~~(2)~~ (b) that are violations of the fire, health, or
14 safety code or constructional technical code that the official or
15 inspector issuing the citation is charged with enforcing, and ~~(3)~~
16 (c) in which the circumstances do not pose a danger to the official
17 or inspector.

18 (2) If a city of the second class or village has adopted
19 and is enforcing a fire, health, safety, or constructional
20 technical code, the chief or head official of the fire department,
21 such fire inspectors as may be designated by such chief or head
22 official, or such inspectors as may be charged with the enforcement
23 of the fire, health, safety, or constructional technical code shall
24 have the authority, after being trained by a certified law
25 enforcement officer in the policies and procedures for issuance of
26 citations, to issue citations for violations of fire, health,
27 safety, or constructional technical codes (a) that constitute
28 infractions or violations of city or village ordinances, (b) that

1 are violations of the fire, health, safety, or constructional
2 technical code that the official or inspector issuing the citation
3 is charged with enforcing, and (c) in which the circumstances do
4 not pose a danger to the official or inspector.

5 (3) A citation issued under this section shall be
6 equivalent to and have the same legal effect as a citation issued
7 in lieu of arrest or continued custody by a peace officer if the
8 citation and procedures utilized meet the requirements of sections
9 29-422 to 29-429. The citation shall be on the same form
10 prescribed under section 29-423. Failure to appear or comply with
11 a citation issued under this section shall be punishable in the
12 same manner as provided in section 29-426. An official or
13 inspector issuing a citation under this section shall not have
14 authority to take a person into custody or detain a person under
15 this section or section 29-427.

16 Sec. 2. Section 29-424, Revised Statutes Supplement,
17 2004, is amended to read:

18 29-424. When a citation is used by a peace officer or
19 when a citation is used by an official or inspector pursuant to
20 section ~~19-4801~~ 1 of this act, he or she shall enter thereon all
21 required information, including the name and address of the cited
22 person, the offense charged, and the time and place the person
23 cited is to appear in court. Unless the person cited requests an
24 earlier date, the time of appearance shall be at least three days
25 after the issuance of the citation. One copy of the citation shall
26 be delivered to the person cited, and a duplicate thereof shall be
27 signed by such person, giving his or her promise to appear at the
28 time and place stated therein. Such person thereupon shall be

1 released from custody. As soon as practicable, the copy signed by
2 the person cited shall be delivered to the prosecuting attorney.

3 At least twenty-four hours before the time set for the
4 appearance of the cited person, either the prosecuting attorney or
5 other person authorized by law to issue a complaint for the
6 particular offense shall issue and file a complaint charging such
7 person with an offense or such person shall be released from the
8 obligation to appear as specified. A person cited pursuant to
9 sections 29-422 to 29-429 may waive his or her right to trial. The
10 Supreme Court may prescribe uniform rules for such waivers.

11 Anyone may use a credit card authorized by the court in
12 which the person is cited as a means of payment of his or her fine
13 and costs.

14 Sec. 3. Original sections 19-4801 and 29-424, Revised
15 Statutes Supplement, 2004, are repealed.